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ANTONELLI, TERRY, STOUT & KRAUS, LLP

SUITE 1800 1300 NORTH SEVENTEENTH STREET ARLINGTON, VIRGINIA 22209

> TELEPHONE (703) 312-6600 FACSIMILE (703) 312-6666 email@antonelli.com

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Date:

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Please deliver the following pages to:

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PTO - Group 2834

Fax No.:

(703)746-8597

From: Melvin Kraus

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Fax No.: (703) 312-6666

Re:

Serial No. 09/912,527

Attorney Docket: 503.38383CX1

Special Instructions: As requested, attached please find a copy of the of the Declaration as submitted in the parent application Serial No. 09/509,768, and a copy of the papers requesting Renewed Request for Status under 37 CFR 1.42 filed May 20, 2002, and the Decision dated July 17, 2002 accepting the Declaration as filed March 31, 2000 in the parent application.

Total Number of pages including cover sheet: 12

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OF COUNSEL
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RALPH T. WEBB*
STERLING W. CHAPDLERPATENT AGENT
LARRY N. ANAGNOS

Sherre mager CP4-8017

DECLARATION AND POWER OF ATTORNEY FILED WITH U.S. DESIGNATED OFFICE UNDER 35 U.S.C. 371(c)(4)

As a below named inventor, I hereby declare that:

	and for which a patent is sough IC MACHINE AND CO	OLING METHOD THEREOF	•
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the specification of which was filed a	s PCT International Application	on No. PCT/JP99/04/90	
filed September 3, 19	and was ame	nded on(if appl	
		(11 appr	(CRD(C)
I hereby state that I have claims, as amended by any amendme	reviewed and understand the	contents of the above-identified sp	ecification, includi
	disclose information which is	material to the examination of this	application in accor
	• •	United States Code, §119 of any	foreign applications
patent or inventor's certificate liste certificate having a filing date before	d below and have also identi	fied below any foreign application	for patent or inve
Prior Foreign Application(s)			Priority Claimed
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
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(Number)	(Country)	(Day/Month/Year Filed)	Yes No
(Number)	(Country)	(Day/Month/Year lilled)	Yes No
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
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(Number)	(Country)	(Day/Month/Year Filed)	Yes No
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(Number)	(Country)	(Day/Month/Year Filed)	Yes No
I hereby claim the benefit u	nder Title 35. United States (Code, §120 of any United States a	onlication(s) listed b
ind, insolar as the subject matter of	each of the claims of this appl	lication is not disclosed in the prior l	United States applic
n the manner provided by the first p nformation as defined in Title 37, C	aragraph of Title 35, United St	ates Code, \$112, I acknowledge the	duty to disclose ma
ipplication and the national or PCT in	iternational filing date of this a	grootal which occurred between the	ie filing date of the
	·	••	
(Application Serial No.)	(Filing Date)	(Status: patented, pend	line abandoned)
			<u>.</u> .
(Application Scrial No.)	(Filing Date)	(Status: patented, pend	ing, abandoned)
	(Filing Date)		

I hereby appoint as principal attorneys; Donald R. Antonelli, Reg. No. 20,296; David T. Terry, Reg. No. 20,178; Melvin Kraus, Reg. No. 22,466; Stanley A. Wal, Reg. No. 26,492; William I. Solomon, Reg. No. 28,565; Gregory E. Montone, Reg. No. 28,141; Ronald J. Shore, Reg. No. 28,577; Donald E. Stout, Reg. No. 26,422; Alan E. Schiavelli, Reg. No. 32,087 and James N. Dresser, Reg. No. 22,973 to prosecute and transact all business connected with this application and any related United States application and international applications. Please direct all communications to the following address:

Antonelli, Terry, Stout & Kraus Suite 1800 1300 North Seventeenth Street Arlington, Virginia 22209 Telephone: (703) 312-6600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

亘 費 日 発 男 君 ブルネームサイン	氏名タイプ欄
Date 3/3/2000 Inventor Kagumasa Sde	Kazumasa IDE
Residence Same as Post Office Address	Citizenship Japan
Post Office Address 870-90, Tenjinbayashicho, Hitachiohta-shi,	Ibaraki 313-0049 Japan
Date =/3/2000 Inventor Jamichi Jaton	Kenichi HATTORI
Residence Same as Post Office Address	Citizenship Japan -
Post Office Address19-5-201, Ishinazakacho 1-chome, Hitachi-s	
Date 3/3/2000 Inventor Akiyoshi Kemma Residence Same as Post Office Address	Akiyoshi KOMURA
Residence Same as Post Office Address	Citizenship Japan
Post Office Address Usagidaira Ryo, 1-1, Jyonancho 4-chome, F	(itachi-shi, Ibaraki 317-0)77
	Japan
Date Inventor_ (Deceased)	Mitsunori YAMASHINA
Residence Same as Post Office Address	Citizenship Japan
	Odzemin dapan
Post Office Address 12-9-3, Nishinarusawacho 3-chome, Hitachi	-shi, Ibaraki 316-0032 Japan
Post Office Address 12-9-3, Nishinarusawacho 3-chome, Hitachi	-shi, Ibaraki 316-0032 Japan
Post Office Address 12-9-3, Nishinarusawacho 3-chome, Hitachi Date 3/3/2000 Inventor Taclashi Samobo Residence Same as Post Office Address	-shi, Ibaraki 316-0032 Japan Tadashi SONOBE
Post Office Address 12-9-3, Nishinarusawacho 3-chome, Hitachi Date 3/3/2000 Inventor Tadashi Sonobo	-shi, Ibaraki 316-0032 Japan Tadashi SONOBE Chizenship Japan
Post Office Address 12-9-3, Nishinarusawacho 3-chome, Hitachi Date 3/3/2000 Inventor Tadashi Somobo Residence Same as Post Office Address Post Office Address 1-1-1, Sekidanishi, Nakosomachi, Iwaki-sh	-shi, Ibaraki 316-0032 Japan Tadashi SONOBE Chizenship Japan
Post Office Address 12-9-3, Nishinarusawacho 3-chome, Hitachi Date 3/3/2000 Inventor Tadashi Somobo Residence Same as Post Office Address Post Office Address 1-1-1, Sekidanishi, Nakosomachi, Iwaki-sh	-shi, Ibaraki 316-0032 Japan Tadashi SONOBE Chizenship Japan i, Fukushima 979-0146 Japan Akitomi SEMBA

Page 3

复岩巴	発明者フルネームサイン	兵名	・タイプ 初
复音 B. Date <u> 3/7/2050</u> Inventor	Juni Sato	Junji	SATO
Residence Same as Post Offic	e Address	Citizenship	
Post Office Address 9-9, Suwacho 6-ch	ome, Hitachi-shi, Ibaraki	316-0001	Japan
Date 3/3/2000 Inventor	R. Shirbara	Ryoich	i SHIOBARA
Residence Same as Post Offic	a Address	Citizenship_	
Post Office Address 11-4, Takasuzucho	5-chome, Hitachi-shi, Ib	araki 317	-0066 Japan
Date 3/10/2000 Heiress, a Japanese citizer 3-chome, Hitachi-shi, Ibara	n, residing at 12-9-3	Yoko ,.Nishir	YAMASHINA narusawacho
on behalf of deceased inventor	Mitsunori YAMASHINA		

503.38383X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): IDE, et al

Serial No.: 09/509,768

Filed: March 31, 2000

For: ROTATING ELECTRIC MACHINE AND COOLING METHOD

THEREOF

RENEWED REQUEST FOR STATUS UNDER 37 CFR 1.42

Commissioner for Patents Washington, D.C. 20231

May 20, 2002

Sir:

In response to the decision dated March 19, 2002 in connection with the above-identified application, applicants request reconsideration of the dismissal in that applicants submit that the Declaration as filed March 31, 2000 and signed by Yoko Yamashina, heiress, on behalf of deceased inventor Mitsunori Yamashina is a signature by the heir having the legal representation for the estate.

Submitted herewith is the family register, in Japanese, indicating that the heirs of the deceased Mitsunori Yamashina are his wife. Yoko Yamashina, and his minor children including his first son of six (6) years old, Takahiro Yamashina, his first daughter of five (5) years old, Miki Yamashina, and his second daughter of three (3) years old, Eri Yamashina. Further, submitted herewith in Japanese as well as attached English translations, are declarations by each of the minor

children and as executed by their mother as the legal representative, indicating that the children have waived their inheritance rights with respect to the above identified application.

In light of this submission, applicants submit that the Declaration as filed on March 31, 2000, should be considered an acceptable Declaration, and favorable consideration is respectfully requested.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (503.38383X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

Melvin Kraus

Registration No. 22,466

ANTONELLI, TERRY, STOUT & KRAUS, LLP

MK/cee Attachments (703) 312-6600

宣誓書

私、日本国茨城県日立市西成沢町3丁目12番9-3号在住の、故山品光則の長男である、山品貴大は、

井出一正ほかの出願に係る米国出願第09/509,768号(2000年 3月31日出願)についての米国における特許を受ける権利

に関し、その相続権を放棄することをここに宣言する。

2002年 5月14日

茨城県日立市西成沢町3丁目12番9-3号 山品 貴大

> 同 所 法定代理人

山品 陽利

DECLARATION

I, Miki Yamashina, first daughter of late Mitsunori Yamashina, residing at 12-9-3, Nishinarusawacho 3-chome, Hitachi-shi, Ibaraki, 316-0032 Japan, hereby declare to relinquish

the inheritance of the right for asking for a patent in the United States of America in connection with U.S. Serial No. 09/509, 768 filed on March 31, 2000, by K. Ide et al..

May 14, 2002

12-9-3, Nishinarusawacho 3-chome, Hitachi-shi, Ibaraki Miki Yamashina

Same address as above

Legal Representative

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United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trndemark Office
Washington, D.C. 20231

Antonelli, Terry, Stout & Kraus Suite 1800 1300 North Seventeenth Street Arlington, VA 22209 503.38383xx

In re Application of IDE et al
U.S. Application No.: 09/509,768
Int. Application No.: PCT/JP99/04790

Int. Filing Date: 03 September 1999 Attorney Docket No.: 501.38383X00

For: DYNAMO-ELECTRIC MACHINE

γγ) C DECISION

This is in response to applicant's "Renewed Request for Status under 37 CFR 1.42" filed 20 May 2002.

#### **BACKGROUND**

On 03 September 1999, applicant filed international application PCT/JP99/04790. A copy of the international application was communicated to the USPTO from the International Bureau on 15 March 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 13 October 1999, prior to the expiration of nineteen months from the filing date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 04 March 2002 (03 March 2002 was a Sunday).

On 31 March 2000, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a declaration executed by seven of the eight joint inventors. The declaration is also executed by an heiress of inventor Mitsunori Yamashina, who according to the declaration is deceased.

On 19 March 2002, this Office mailed a decision dismissing the 31 March 2000 request for status.

On 20 May 2002, applicant filed the present renewed request for status.

Application No.: 09/509,768

-2-

### **DISCUSSION**

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

In the present case, the declaration filed 31 March 2000 is signed by the legal representative of Mitsunori Yamashina.

#### **CONCLUSION**

The declaration filed 31 March 2000 is ACCEPTED under 37 CFR 1.42.

The application has an International Filing Date of 03 September 1999 and a date under 35 U.S.C. 371(c) of 31 March 2000.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Tung

PCT Legal Examiner

PCT Legal Office

Telephone: 703-308-6614 Facsimile: 703-308-6459